UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MY FIRST BIKE PRODUCTIONS, INC.,

Plaintiff,

v.

MYSPACE, INC., a Delaware Corporation, d/b/a Myspace.com, DIRECTV, INC., a California corporation, FOX INTERACTIVE MEDIA, INC., a Delaware corporation,

Defendants.

CASE NO. 1:07-CV-0459-RLY-TAB

AFFIDAVIT OF JAE SUNG
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I, Jae Sung, affirm as follows:

1. I am Senior Director of Support Operations and Policy Enforcement of defendant MySpace, Inc. ("MySpace"). I have personal knowledge of the facts set forth in this Affidavit, and, if called as a witness, I could and would competently testify thereto.

2. MySpace owns and operates MySpace.com. Commonly referred to as a "social networking website," MySpace.com allows its members to create online "profiles," which are individual web pages where members can post information about their lives and interests along with personal photographs and videos. By

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becoming "friends" with other members, MySpace.com members use their online profiles to form online communities.

3. MySpace.com is free to users who agree to the MySpace.com terms of use. MySpace.com does not sell products or services to its users.

4. MySpace, a Delaware corporation, is headquartered in Beverly Hills. MySpace has no significant contacts with the state of Indiana; it does not own or rent any facilities, offices, or property in Indiana; and it does not employ any Indiana residents. MySpace has no bank accounts in Indiana, nor does it pay taxes in Indiana.

5. MySpace is a wholly-owned subsidiary of Fox Interactive Media, Inc. ("FIM"). However, MySpace observes its own corporate formalities, has its own board of directors, and its own executive management team.

I affirm under penalty of perjury under the laws of the United States and the State of Indiana that the foregoing is true and correct. Executed this 20th day of April, 2007 at Beverly Hills, California.

Jae Sung

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of LOS ANGELES } ss.

☑ See Attached Document (Notary to cross out lines 1–6 below)

☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

1 ~~__________~~

2 ~~__________~~

3 ~~__________~~

4 ~~__________~~

5 ~~__________~~

6 ~~__________~~

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this 20th (Date) day of April (Month), 2007 (Year), by

(1) JAE SUNG (Name of Signer),

☐ Personally known to me

☑ Proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) ~~(,)~~

~~(and~~

(2) ~~__________~~ (Name of Signer),

☐ Personally known to me

☐ Proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

MARILYNE M. DOTSON
Commission # 1659153
Notary Public - California
Los Angeles County
My Comm. Expires Apr 18, 2010

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OPTIONAL

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Document Date: April 20, 2007 Number of Pages: 2

Signer(s) Other Than Named Above: NO OTHER SIGNER

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